

REMARKS

This Amendment is filed in response to the Office Action mailed on March 21, 2007. All objections and rejections are traversed.

Claims 1-8, 17-49 are currently pending.

Claims 41-49 are added.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3067.

Objections to Specification

At paragraph 2 of the Office Action, the Examiner objected to specification with respect to the status of the applications cited within.

Applicant has amended the specification to show US Application Serial No. 10/216,453 is now issued as US Patent No. 7,107, 385.

Applicant has not amended the specification in reference to US Application Serial No. 10/215,917 and US Application Serial No. 10/421,297 because the applications are still pending.

Claim Rejections – 35 USC § 112

At paragraphs 4 and 5 of the Office Action, claims 29-34 were rejected under 35 U.S.C. §112, second paragraph. Specially, the claims were rejected because there insufficient antecedent basis for “the method.”

Applicant has amended claims 29-34 and believes the claim to be allowable over the §112 rejection.

Claim Rejections – 35 USC § 101

At paragraphs 6 and 7 of the Office Action, claim 27 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the scope of “a computer readable medium” has not been limited to a hardware device.

Applicant respectfully urges that representative claim 27 complies with all requirements of MPEP 2106 IV (page 2100-10 of the Eighth Edition of the MPEP Incorporating Revision 2). In particular, Claim 27 is to a computer readable media, for example a disk, etc. The disk contains the computer program, and the computer program executes the novel steps set out in claim 27. Accordingly, Applicant respectfully urges that claim 27 complies with all requirements of 35 U.S.C. § 101, and with the requirements of MPEP 2106 IV.

Claim Rejections – 35 USC § 102

At paragraphs 9-10 of the Office Action, claims 1-8, and 17-40 were rejected under 35 U.S.C. §102 as being unpatentable over Takeda et al., US Patent No. 7,004,634, hereinafter Takeda.

The present invention, as set forth in representative claim 1, comprises in part:

1. A method for proxying data access commands from a first storage system to a second storage system in a storage system cluster, comprising:
in response to a failure in communication between a client and the second storage system, receiving, at a proxy port on the first storage system, a data access command at the first storage system that is directed to the second storage system;
forwarding the received data access command to the second storage system via a cluster interconnect;
processing the data access command at the second storage system;
returning a response from the second storage system to the first storage system via the cluster interconnect; and
sending a response to the data access command to the client from the first storage system.

By way of background, Takeda discloses a storage system with a host connected to a first storage control apparatus, which is connected to a first storage device. The first storage control apparatus is also connected through an initiator I/O-processing unit to a second storage control apparatus, where the second storage control apparatus is connected to a second storage device. A logical device pair is formed on the first storage device and the second storage device, with the logical pair having the same data or similar data plus changed data stored in memory. If the first storage control apparatus receives a read request for the second storage control apparatus, then the first storage control apparatus determines if the data is stored also on the first device attached to the first storage

control apparatus or reads the data from the second device through the second storage control apparatus.

Applicant respectfully urges that Takeda does not disclose Applicant's claimed novel *in response to a failure in communication between a client and the second storage system, receiving, at a proxy port on the first storage system, a data access command at the first storage system that is directed to the second storage system*. In further detail, in Applicant's claimed invention, the proxy port is a back up system for a client to access disks attached to the second storage system when a communication failure occurs between the client and the second storage system. The proxy port allows messages received at the first storage system to be directed to the second storage system through a cluster interconnect.

In contrast, Takeda discloses a system for accessing data, such as a backup copy, on an auxiliary storage control apparatus by accessing a first storage control apparatus. There is no disclosure in Takeda of a proxy port for receiving requests from the host. Takeda only discloses a target command processing unit for receiving requests and Takeda does not disclose a virtual or logical port. There is no disclosure in how Takeda separates out requests directed to the first storage control apparatus and the auxiliary storage appliance because there is not a virtual or physical port (proxy port) specifically designed to receive requests directed to the second storage appliance, as in Applicant's claimed invention. Additionally, there is no disclosure in Takeda that a client is directly connected to the auxiliary storage control apparatus, and that this is a backup system for accessing the disks of the auxiliary storage control apparatus, as claimed by Applicant.

Accordingly, Applicant respectfully urges that Takeda is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel *in response to a failure in communication between a client and the second storage system, receiving, at a proxy port on the first storage system, a data access command at the first storage system that is directed to the second storage system.*

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

/Shannen C. Delaney/
Shannen C. Delaney
Reg. No. 51,605
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500